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Paper No. 15

PPG INDUSTRIES INC
INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH, PA 15272

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JUN 18 2003

OFFICE OF PETITIONS

In re Application of :
Welch et al. :
Application No. 09/755,147 :
Filed: January 8, 2001 :
Attorney Docket No. 1582A1 :
:

ON PETITION

This is a decision on the petition filed June 11, 2003, to accord a previously filed RCE a filing date of May 27, 2003, instead of May 28, 2003.

The petition is **dismissed**.

37 CFR 1.10(c) states,

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

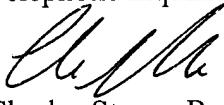
- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

As to (2), the Express Mail mailing label number was not placed on the RCE.

Although the relief requested will not be granted, petitioner should note that the RCE will be considered to be a timely response to the February 27, 2003 final Office action. The RCE was filed in compliance with 37 CFR 1.8. The Certificate of Mailing date is May 27, 2003.

The file is now being forwarded to the examiner in Technology Center 1700 for consideration of the RCE and amendment.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


Charles Steven Brantley
Petitions Attorney
Office of Petitions